

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

In the subject application, claims 2, and 8-10 are pending, all of which are independent claims. Applicants have amended claims 2, and 8-10 and added new claims 11-26. Applicants respectfully submit that no new matter is believed to have been added as a result of these amendments.

Claim Rejections – 35 U.S.C. § 102

Claims 2 and 8-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ludolph et al. (U.S. Patent No. 5,943,053, hereinafter “Ludolph”). Applicants respectfully traverse this rejection.

First, Applicants remind the Examiner that anticipation takes more than simply locating each element within the four corners of a single document. This issue was recently addressed by the CAFC in *Net MoneyIN Inc. v. VeriSign Inc.*, 88 USPQ2d 1751 (Fed. Cir. 2008), where the court held that "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Id.* at 1758-59.

Applicants respectfully submit that the Examiner has not met the standard requiring "all of the limitations arranged or combined in the *same* way as recited in the claim". *See Id.* (emphasis added). The Examiner appears to admit repeatedly that certain features of Ludolph

are merely *similar* to Applicants' claims, but not the *same*. For example, the Examiner appears to admit that "Ludolph teaches the steps of expanding and contracting which is *similar* to the steps of sliding said page in a first direction and in a different direction from the first direction as claimed". See the subject action, page 4; pages 5-6 (emphasis added). Applicants respectfully submit that because the Examiner appears to admit that certain features of Ludolph are merely similar to the claimed invention, the Examiner has not met the standard for a rejection under 35 U.S.C. § 102 for anticipation, as outlined by the Federal Circuit in *Net MoneyIN*. Therefore, Applicants respectfully request withdrawal of the rejection of claims 2 and 8-9 under 35 U.S.C. § 102.

Second, Applicants respectfully submit that Ludolph does not teach or suggest each and every limitation of Applicants' independent claim 2 as amended in the response to the Final Office Action of September 1, 2009. For example, Applicants respectfully submit that Ludolph does not teach or suggest at least the limitation "wherein said first slide animation and said second slide animation comprise moving said page associated material into or out of said side bar via one or more of: an up, down, left, right, or looping motion". As stated above, the Examiner appears to believe that since Ludolph teaches *expanding* and *contracting* at column 10, lines 49-54, Ludolph also teaches the limitation "wherein said first slide animation and said second slide animation comprise moving said page associated material into or out of said side bar via one or more of: an up, down, left, right, or looping motion". See the subject action, pages 3-4. Applicants respectfully disagree. Applicants respectfully submit that not only has the Examiner already admitted that this feature of Ludolph is merely similar to the feature in Applicants' claim 2, as discussed above, but also that neither *expanding* or *contracting* are the

same as *sliding*. This is illustrated by Ludolph at column 8, lines 12-28, which are provided below for the Examiner's convenience:

While user actions within the panel may cause expansion, in the described embodiment, actions by the user within the panel will not cause the panel to contract. Thus, if the window panel expands because of user actions within the panel in steps 560 and 585, such as opening a subdirectory, the panel will not contract when that subdirectory is closed. Once the window panel expands, whether just once or in stages because of user actions, the panel does not contract in stages. It contracts once directly to its default size when the pointer leaves the panel. **Frequent expanding and contracting of the window panel causes, generally, rapid and sudden changes to the content and format of the panel. These unnecessary changes can be distracting to a user who is interested in accessing the panel's content at that time.** Once the window panel contracts, the operation is complete and the system determines whether the newly entered panel is expandable in step 520. (See Ludolph, column 9, lines 12-28, as published; emphasis added.)

As shown in the passage above the "[f]requent *expanding* and *contracting* of the window panel causes, generally, rapid and sudden changes to the content and format of the panel." See Ludolph, column 9, lines 12-28; emphasis added. While the contents within the window panel may grow or shrink during the *expanding* and *contracting*, Ludolph does not appear to *move* or *slide* contents with the window panel. While the *expanding* and *contracting* of Ludolph may cause new content to *appear* or *surface*, Ludolph does not appear to *move* or *slide* the content in order to make it visible. Therefore, Applicants respectfully submit that Ludolph does not teach or suggest the limitation "wherein said first slide animation and said second slide animation comprise moving said page associated material into or out of said side bar via one or more of: an up, down, left, right, or looping motion" as recited in Applicants' independent claim 2 as amended in the response to the Final Office Action of September 1, 2009.

Third, and in order to accelerate prosecution of the subject application, Applicants have amended claims 2 and 8-10, and added new claims 11-26. Amended claim 2 and new claims 11-14 are provided below for the Examiner's convenience:

2. (Currently Amended) A method for selectively displaying a plurality of rooms with side bar slide animation, comprising:

displaying content material in a page of said room;

displaying page associated material in a side bar of said room;

responsive to entering a room, executing a first slide animation of said page associated material such that said page associated material slides into said side bar from a first direction; and

responsive to leaving said room, executing a second slide animation of said page associated material such that said page associated material slides out of said side bar in a direction different from said first direction;

thereby creating a visual effect of entering and leaving an area represented by a panel wherein the visual effect creates a visual impression of entering and leaving said area via one or more of a horizontal and vertical sliding motion;

wherein said first slide animation and said second slide animation are elements of an aesthetic set inherited from a parent room;

wherein said side bar is configured to allow for said page associated material to slide, via said first slide animation, into said side bar;

wherein said side bar is further configured to allow for said page associated material to slide, via said second slide animation, out of said side bar.

11. (New) The method of claim 2 further comprising:
sliding new page associated material, via said first slide animation, into said side bar from a rightwards direction.

12. (New) The method of claim 11 further comprising:
sliding said page associated material, via said second slide animation, out of said bar from a leftwards direction.

13. (New) The method of claim 2 further comprising:
sliding new page associated material, via said first slide animation, into said side bar from a leftwards direction.

14. (New) The method of claim 13 further comprising:
sliding said page associated material, via said second slide animation, out of said bar from a rightwards direction.

Applicants respectfully submit that claims 2 and 8-10 have been amended to provide clarification. Further, Applicants respectfully submit that new claims 15-26 include limitations

that were removed from claims 2 and 8-10. Support for Applicants' new claims 11-14 may be found at least at paragraph [0193] and Figures 17-20 of the subject application, as published. Paragraph [0193] and Figures 17-20 of the subject application, as published, are provided below for the Examiner's convenience:

[0193] Referring to FIG. 17, a QuickPlace user room display includes side bar 263, page 261, and action bar 262. **To visually indicate movement of page 261 from room to room, the material in side bar 264 slides in the direction of right arrow 264 to enter a room or left arrow 265 to leave it.** Referring to FIGS. 18, 19 and 20, material 266 enters side bar from the left to show a new room display down the hierarchy is being entered and displayed in page 261; and material 267 moves to the left to enter side bar 263 as material 266 moves out to the left, indicating that the material in display 261 is changing to a room higher in the hierarchy, that is that display 261 is leaving a room. In this manner, the display projects to the user where he is at any particular time. To show leaving a room, the visual effect is to have the side bar move to the left while the side bar for the room being entered appears from the right. (See the subject application, paragraph [0193], as published; emphasis added.)

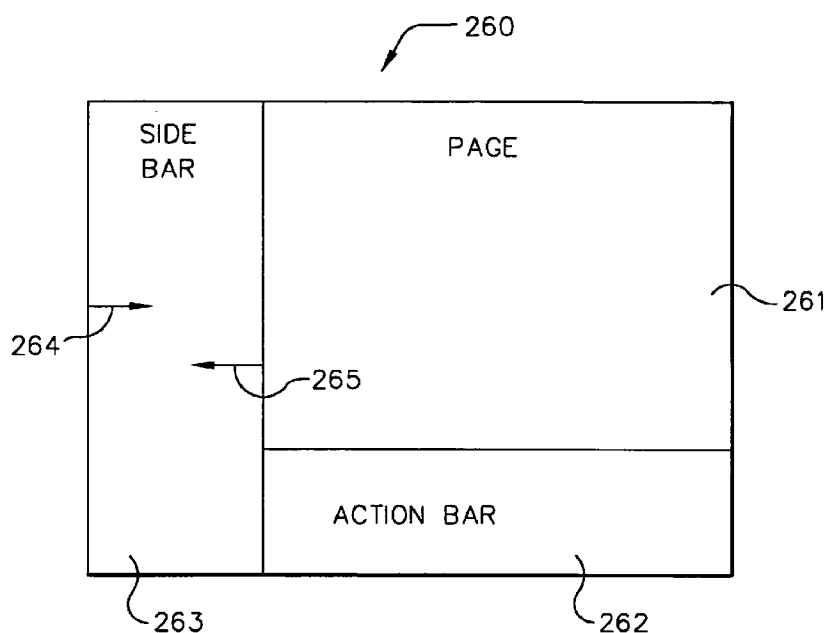
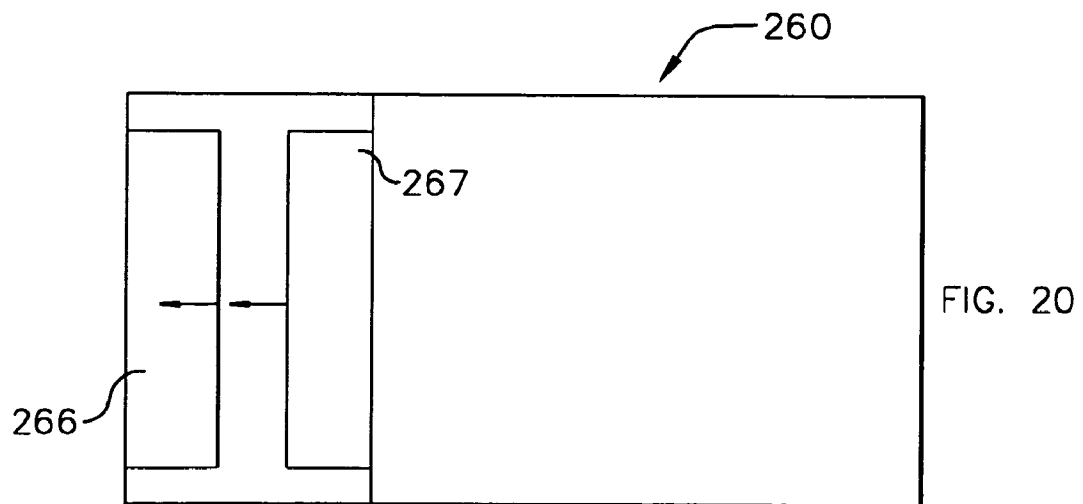
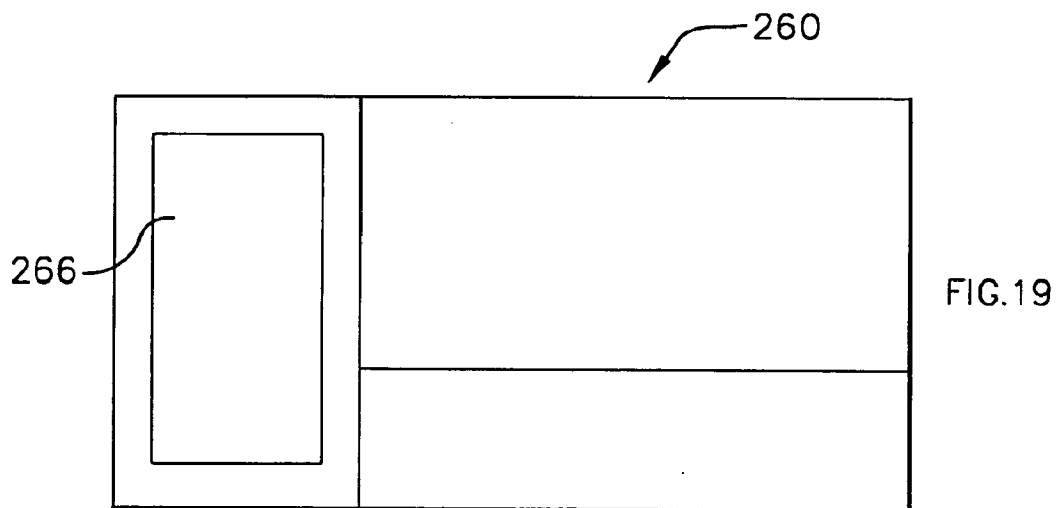
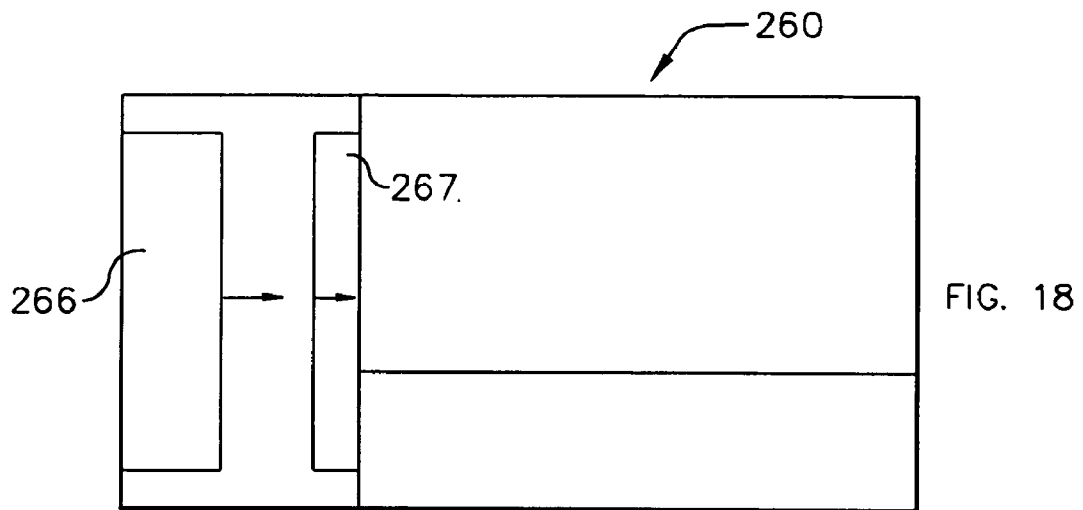


FIG. 17



Applicants respectfully submit that Ludolph does not teach or suggest either of the limitations "wherein said side bar is configured to allow for said page associated material to slide, via said first slide animation, into said side bar" or "wherein said side bar is further configured to allow for said page associated material to slide, via said second slide animation, out of said side bar" of Applicants' amended claim 2 for the same reasons that Ludolph does not teach the limitation "wherein said first slide animation and said second slide animation comprise moving said page associated material into or out of said side bar via one or more of: an up, down, left, right, or looping motion" of Applicants claim 2 as amended in the response to the Final Office Action of September 1, 2009, discussed above. Further, Applicants respectfully submit that none of the cited references teach or suggest the limitations of Applicants' new claims 11-14.

Fourth, and regarding claims 8-9, Applicants note that in the Final Office Action of September 1, 2009, the Examiner admitted that "Ludolph fails to clearly teach or suggest the hierarchy of rooms" and took *official notice* that "implementation of hierarchy of windows was well known in the computer art." See the Final Office Action of September 1, 2009, page 6. Applicants then respectfully disagreed with the Examiner in Applicants' response to the Final Office Action of September 1, 2009. Applicants pointed the Examiner to MPEP 2144.03, which states, in part:

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. See MPEP 2144.03.

In Applicants' response to the Final Office Action of September 1, 2009, Applicants showed that "hierarchy of windows" is not "common knowledge in the art are capable of instant and unquestionable demonstration as being well-known" as required by MPEP 2144.03. However, the Examiner now appears to believe that Ludolph teaches this concept in Figure 2. Applicants respectfully disagree.

Therefore, Applicants respectfully submit that amended claim 2 is in condition for allowance. Further, Applicants respectfully submit that amended claims 8-9 include similar limitations to those discussed above with respect to amended claim 2, and respectfully submit that claims 8-9 are in condition for allowance as well. Accordingly, withdrawal of the rejection to claims 2 and 8-9 under 35 U.S.C. § 102 is respectfully requested. Moreover, Applicants respectfully submit that since new claims 11-26 ultimately depend from amended claims 2, 8, or 9, those claims are also in condition for allowance for at least this reason. Further, Applicants respectfully submit that claims 11-14 are in condition for allowance also for the reasons discussed above .

Further, the Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Ludolph in view of Shaffer et al. (U.S. Patent No. 7,065,785). Applicants respectfully submit that claim 10 includes similar limitations to those discussed above with respect to claims 2 and 8-9, and therefore this rejection is rendered moot in light of the discussion above. Accordingly, withdrawal of the rejection to claim 10 under 35 U.S.C. § 103(a) is respectfully requested.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or

comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicants' attorney (617-305-2143) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

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